

Attachment to Independent Case Review Report
For CDRU # 867B Case file # 95-HQ-290524.

Material Examiner Malone (RO)

Remarks:

After research it has been determined that the Laboratory numbers 901018049 and 901018050 have been discontinued and the incoming communication for Laboratory number 920423045 is missing from the case file at the time of review by the Independent Scientist.

CRM - 6692

INDEPENDENT CASE REVIEW REPORT

Independent Review conducted by: Steve Robertson

Area(s) of Expertise: Hair and Fiber

Review commenced at: 10:30 AM (Time), 09 / 16 / 99 (Date)

File #: 95-290524

Laboratory #(s): 91027050

20423045

91027053

91108074

Examiner(s) & Symbols

	Reviewed	Not Reviewed		Reviewed	Not Reviewed
RQ	X	<input type="checkbox"/>		<input type="checkbox"/>	
	<input type="checkbox"/>			<input type="checkbox"/>	
	<input type="checkbox"/>			<input type="checkbox"/>	

Materials Reviewed

Trial testimony transcript(s) of: Michael Malone

Testimony Date(s): Feb 23/24, 1994

Pages: 3111-3175

Laboratory Report(s):

Laboratory Number: 91027050

Date: Dec 1, 1989

Laboratory Number: 91027053, 91108074

Date: Dec 8, 1989

Laboratory Number: 20423045

Date: Sep 9, 1992

Examiner Bench Notes of: RQ

Laboratory Number: 91027050

91027053, 91108074

20423045

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of 4

Initials: SR

CRM - 6693

Was any other material reviewed? ☒ Yes ☐ No

If yes, please identify and/or describe the material: Submitting agency letter dated Oct 9, 1990, page 2.

Also refer to review of 95-290529.

Results of Review

File #: 95-290524 Item or Specimen # Reviewed: From victim Stanford in 91027050:

Q1-Q2, Q4-Q7. From victim Sweets in 91027053, 91108074, 20423045: Q1-Q8, Q16-Q21, K1-K7, K8-K16

Review of Laboratory Report(s) and Bench Notes:

Note: Numbered comments are required below or on additional pages for any "No" or "Unable to Determine" Responses

- 1) Did the examiner perform the appropriate tests in a scientifically acceptable manner, based on the methods, protocols, and analytic techniques available at the time of the original examination(s)?
☐ Yes ☐ No ☒ Unable to Determine
- 2) Are the examination results set forth in the laboratory report(s) supported and adequately documented in the bench notes?
☐ Yes ☒ No ☐ Unable to Determine

Review of Testimony:

Note: Numbered comments are required below or on additional pages for any "No" or "Unable to Determine" Responses

- ☐ Transcript not available.
- 3) Testimony consistent with the laboratory report(s)? ☒ Yes ☐ No ☐ Unable to Determine
 - 4) Testimony consistent with the bench notes? ☒ Yes ☐ No ☐ Unable to Determine
 - 5) Testimony within bounds of examiner's expertise? ☐ Yes ☒ No ☐ Unable to Determine

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Initials: SW

Comments

(Set forth by above question #, if applicable.
Use "Additional Comments" Sheet, if needed)

File #: 95-290524

#1. There is documented data that marginally supports the testing performed. The examiner could have performed infrared analysis, a more specific analysis than microscopy, to specifically identify the polymer type of the nylon fibers. The match criteria for the microspectrophotometer spectra is unknown.

#2. The results are not adequately documented in the notes. None of the notes are dated, most are written in pencil and abbreviations are used that are difficult to interpret. The Textile Fiber Comparison worksheet does not specify which K fiber is being examined. The spectra from the microspectrophotometer are not marked with the instrumental parameters used. Many of the notes contain no data, only a conclusion.

#5. The examiner testified that the fibers can "only be from carpet - it can be nothing else". This is a strong statement and likely incorrect. Else, why would he have used the term "carpetlike" to describe the fibers in his report dated Dec. 8, 1989 (lab 91027053, 91108074)?

Review completed at: 1:15 PM (Time), 09/16/99 (Date)

Total time spent conducting review (to nearest 1/4 hour):

2 3/4 hours

I hereby certify that I conducted this review in an independent, unbiased manner and that the results of my review are fully documented on this report consisting of a total of 4 pages.

Steve Roberts
(Signature)

9-16-99
(Date)

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Initials: *JNR*

Additional Comments
(Set forth by question #, if applicable)

File #: 95-290524

He also testified "if it has lobes like this, you know it has to be a nylon". Trilobal fibers can be made with other polymers besides nylon, so this statement is misleading.

Testimony that "we have a machine that can get it down to one specific dye from all others", "it can tell one particular dye from all others" and "they had exactly the same dyes" is incorrect and misleading. The microspectrophotometer is used to measure color. Articles published in the Journal of Forensic Sciences in 1988 and 1990 specifically point out that spectra cannot be used to identify dyes - they only allow determination of color.

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Initials: SMC

SML

Attachment to Independent Case Review Report
For CDRU # 869 Case file # 95-290529.

Material Examiner Malone (RO)

Remarks:

After research it has been determined that the dictation notes of Examiner Malone (RO) are missing/incomplete from the case file for submission 901018048 which may be due to this submission being discontinued at the time of review by the Independent Scientist.

INDEPENDENT CASE REVIEW REPORT

Independent Review conducted by: STEVE ROBERTSON

Area(s) of Expertise: HAIR AND FIBERS

Review commenced at: 8:15AM (Time), 09/13/99 (Date)

File #: 95-290529

Laboratory #(s): 91027052 S RQ

Examiner(s) & Symbols

	Reviewed	Not Reviewed		Reviewed	Not Reviewed
<u>RQ</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>

Materials Reviewed

Trial testimony transcript(s) of: MICHAEL MALONE

Testimony Date(s): FEB 23/24, 1994 Pages: 3111-3113, 3150-3175

Laboratory Report(s):

Laboratory Number: 91027052 Date: 12-01-89

Laboratory Number: _____ Date: _____

Laboratory Number: _____ Date: _____

Examiner Bench Notes of: 91027052

Laboratory Number: _____

Laboratory Number: _____

Laboratory Number: _____

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Initials: SRM

CRM - 6695

Was any other material reviewed? ☒ Yes ☐ No

If yes, please identify and/or describe the material: SUMMARY OF INVESTIGATION FROM HOMICIDE
TASK FORCE, SUBMISSION LETTER DATED 9-26-90, page 2 of apparent
SUBMISSION LETTER DATED 10-09-90

Results of Review

File #: 95-290529

Item or Specimen # Reviewed: Q1-Q15

Review of Laboratory Report(s) and Bench Notes:

Note: Numbered comments are required below or on additional pages for any "No" or "Unable to Determine" Responses

- 1) Did the examiner perform the appropriate tests in a scientifically acceptable manner, based on the methods, protocols, and analytic techniques available at the time of the original examination(s)?
☐ Yes ☐ No ☒ Unable to Determine
- 2) Are the examination results set forth in the laboratory report(s) supported and adequately documented in the bench notes?
☐ Yes ☒ No ☐ Unable to Determine

Review of Testimony:

Note: Numbered comments are required below or on additional pages for any "No" or "Unable to Determine" Responses

☐ Transcript not available.

- 3) Testimony consistent with the laboratory report(s)? ☐ Yes ☐ No ☒ Unable to Determine
- 4) Testimony consistent with the bench notes? ☐ Yes ☐ No ☒ Unable to Determine
- 5) Testimony within bounds of examiner's expertise? ☐ Yes ☐ No ☒ Unable to Determine

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Initials SM

Comments

(Set forth by above question #, if applicable.
Use "Additional Comments" Sheet, if needed)

#1. THERE IS NO DOCUMENTED DATA. THEREFORE, CANNOT DETERMINE
IF TESTS WERE DONE IN A SCIENTIFICALLY ACCEPTABLE MANNER.

#2. THERE IS NO DATA, ONLY A NOTE THAT Q1-Q15 ARE "NONE
LIKE K1-K7" AND "NONE LIKE 91027050."

051
053

#3,4,5. THE TRANSCRIPT IS MISSING MOST OF THE DIRECT GRAM.
IT APPEARS THAT RQ TESTIFIES THAT CARPET FIBERS ON VICTIM
SWEETS IS LIKE SUSPECT JONES' CARPET. THE FBI CASE FILE GIVEN
TO REVIEW CONTAINS ONLY INFORMATION ABOUT VICTIM GLOVER.

THERE IS A NOTE ON PAGE 2 OF A DOCUMENT DATED OCT 9, 1990
TO FBI THAT "EVIDENCE RET'D TO CONTRIBUTOR 4/8/91 UNEXAMINED.
(OYIG. COVER LETTER UNAVIAL)". THERE IS ALSO AN ATTACHMENT

Review completed at: 10:15 AM (Time), 9/13/99 (Date)

Total time spent conducting review (to nearest 1/4 hour): 2 hrs.

I hereby certify that I conducted this review in an independent, unbiased manner and that the results of my review are fully documented on this report consisting of a total of 4 pages.

Steve Roberts 9-13-99
(Signature) (Date)

Additional Comments
(Set forth by question #, if applicable)

File #: 95-290529

TO INDEPENDENT CASE REVIEW REPORT FOR CDRU #869 CASE
file #95-290529. THIS NOTE STATES "AFTER RESEARCH IT HAS
BEEN DETERMINED THAT THE DKTATION NOTES OF EXAMINER MAWNE (RQ)
ARE MISSING/INCOMPLETE FROM THE CASE FILE FOR SUBMISSION
Q1018048 WHICH MAY BE DUE TO THIS SUBMISSION BEING DISCONTINUED
AT THE TIME OF REVIEW BY THE INDEPENDENT SCIENTIST."

Additional attachment for CDRU # 869, case file # 95-290529.

The lab work for CDRU # 868, case file #95-290526 of Examiner Malone (RQ) was requested and reviewed by the independent scientist. The independent scientist required this additional lab work to review to complete his review of CDRU #869, case file #95-290529.

CRM - 6696